

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTER DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:17-cv-00716-RJC-DSC**

MOVEMENT MORTGAGE, LLC,

Plaintiff,

vs.

**MARK MCDONALD and
FRANKLIN FIRST FINANCIAL,
LTD.,**

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's consent motion to extend a temporary restraining order entered in state court prior to removal of this action to federal court. The original Temporary Restraining Order stated:

1. Defendant shall not directly or indirectly do any of the following:
 - a. Solicit, recruit, contract with, induce, influence or advise, or directly or indirectly cause the employment, solicitation or recruitment of any Company employee for any reason including but not limited to having said Company employee work for or engage in a business substantially similar to the business of, or in competition with the Company.
 - b. Solicit, recruit, contract with, induce, influence or advise, or directly or indirectly cause the employment, solicitation or recruitment of any consultant or agent who works for or has been employed by the Company within the 12-month period immediately preceding the termination of the Employee's employment with Company.
 - c. Disclose to any third party the names, backgrounds, compensation, or qualification of any Company employee, consultant or agent, or otherwise

identify any Company employee, consultant or agent as a potential candidate for employment.

- d. Induce or attempt to induce any person or entity, including any customer, referral source, or other person who has an agreement or business relationship with the Company to cease doing business in whole or in part with the Company.
- e. Disclose the Company's Confidential Information as defined in paragraph IV A of McDonald's Employment Agreement to Franklin First Financial, Ltd. or to any third party.

(Doc. No. 1-1 at 41–42) (implementing the superior court judge's handwritten edits).

The Court, having reviewed Plaintiff's Motion, (Doc. No. 2), Defendants' Notice of Removal, (Doc. No. 1), and the attachments thereto, finds that good cause exists under Rule 65(b)(2) to continue the existing temporary restraining order in effect until a hearing is held on Plaintiff's Motion for Preliminary Injunction, and that Defendants have consented to that continuance.

Specifically, the Court finds that a temporary restraining order was entered against Defendant Mark McDonald in Mecklenburg County Superior Court on December 5, 2017, after notice was provided to Mr. McDonald; that Defendants filed a Notice of Removal of this case to this Court on December 12, 2017, before the scheduled hearing on Plaintiff's Motion for Preliminary Injunction was conducted; and that Defendants have consented to extending the existing Temporary Restraining Order until a hearing can be held in this Court on Plaintiff's preliminary injunction motion.

IT IS THEREFORE ORDERED that Plaintiffs' Motion to Extend the State Court Temporary Restraining Order is **GRANTED**, and that the Temporary Restraining Order entered in the state court case on December 5, 2017, is hereby continued until such time as a hearing is conducted or this Court otherwise rules on Plaintiff's Motion for Preliminary Injunction. This Order does not otherwise modify or amend the December 5, 2017 Temporary Restraining Order.

Signed: December 15, 2017

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

